The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Santiesteban.

Absent: Harris.

Absent-excused: Washington.

The bill was read third time and was passed.

MEMORIAL RESOLUTION

S.R. 86 - By Parmer: Memorial resolution for Robert Keen.

WELCOME AND CONGRATULATORY RESOLUTIONS

- H.C.R. 44 (Brown): Commending the Sam Houston Area Council of the Boy Scouts of America.
 - S.R. 85 By Mauzy: Commending the South Oak Cliff Lady Bears.
- S.R. 87 By Caperton: Extending welcome to Dr. Stephen Benold, Capitol Physician for the Day.
- S.R. 88 By Washington: Commending the National Black Law Students Association.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:07 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by the Governor (February 4, 1985)

H.C.R. 22 H.C.R. 26

Signed by the Governor (February 5, 1985)

S.B. 90 (Effective immediately)

SEVENTEENTH DAY

(Thursday, February 7, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Glasgow, Washington.

A quorum was announced present.

Senator John Sharp offered the invocation as follows:

Our Father, bless these proceedings as we seek to know and to accomplish Your will. In Jesus' name, Amen.

On motion of Senator Jones and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator McFarland.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 105 (Amended) S.B. 233 (Amended) C.S.S.B. 70

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 245 (Amended) S.B. 246 C.S.S.B. 309

GUEST PRESENTED

Senator Truan was recognized and presented the Capitol Physician for the Day, Dr. Richard Penly.

The Senate welcomed him as their guest for today.

GUEST PRESENTED

The Presiding Officer, President Pro Tempore Farabee, introduced the Honorable Bill Meier, former Member of the Texas Senate.

Senator Meier was welcomed by the Members of the Senate.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 34, To Committee on Natural Resources.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 371 by Brooks, Truan Health and Human Resources Relating to funding for child abuse and neglect prevention programs and to the establishment of the Council on Child Abuse and Neglect.

S.B. 372 by Brooks, Sims

Intergovernmental Relations

Relating to eligibility for service retirement benefits from the Texas Municipal Retirement System.

S.B. 373 by Montford

Health and Human Resources

Relating to a mandatory screening program to detect scoliosis in children.

S.B. 374 by Jones

Finance

Relating to the exemption from use taxes for certain property acquired outside the state and used in this state as a licensed and certificated carrier.

S.B. 375 by Jones

State Affairs

Relating to the method by which candidates for offices regularly filled at the general election for state and county officers are nominated and elected.

S.B. 376 by Sims

Education

Relating to limiting participation in and practice for extracurricular activities during the first seven hours of the school day.

S.B. 377 by Sims, Sarpalius

Education

Relating to testing of public school teachers and administrators.

S.B. 378 by Sims

Education

Relating to grounds for expelling a pupil from public school.

S.B. 379 by Brooks, Truan

Health and Human Resources

Relating to the regulation of the profession of radiology; providing a penalty.

S.B. 380 by Farabee

State Affairs

Relating to the conveyance of certain state-owned real property in Wichita County.

S.B. 381 by Traeger

Intergovernmental Relations

Relating to rulemaking by the State Pension Review Board.

S.B. 382 by Mauzy

Jurisprudence

Relating to notice of attainment of a workers' compensation judgment in county and district courts.

S.B. 383 by Mauzy

Jurisprudence

Relating to third party suits brought by workers' compensation claimants.

S.B. 384 by Sharp

Health and Human Resources

Relating to the continuation, composition, powers, and duties of the Texas Commission for the Deaf and to the composition of the council on disabilities; amending the Human Resources Code by amending Sections 81.004, 81.005, 81.007, 81.009, 81.011, and 81.012 and Subsections (a) and (e) of Section 132.002; by adding Sections 81.0021, 81.0051, 81.0071, 81.0072, 81.014, 81.015, 81.016, and 81.017 and Subsections (c), (d), and (e) to Section 81.002; Subsections (c) through (f) to Section 81.006; and Subsections (d) and (e) to Section 81.008; and by repealing Section 81.010.

S.B. 385 by Glasgow

Criminal Justice

Relating to an indictment for aggravated perjury if the offense is alleged to have been committed before a grand jury.

S.B. 386 by Mauzy

Jurisprudence

Relating to the award of attorney's fees in certain family violence cases.

S.B. 387 by Howard, Traeger,

Economic Development

McFarland, Sims, Jones, Brown, Henderson, Montford, Sharp, Edwards, Caperton, Farabee, Glasgow, Leedom, Brooks, Blake

Relating to the creation, administration, powers, duties, and financing of the Texas Public School Retired Employees Group Insurance Program.

S.B. 388 by Howard, Traeger,

Economic Development

McFarland, Sims, Jones, Brown, Henderson,

Glasgow, Leedom, Brooks, Blake

Relating to the creation, administration, powers, duties, and financing of the Texas Public School Employees Group Insurance Program.

S.B. 389 by Glasgow

Finance

Relating to personal property exempt from the satisfaction of debts.

S.B. 391 by Barrientos

Criminal Justice

Relating to presumptions applicable to the offense of evading arrest and to the penalties imposed on conviction of the offense.

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

Justice of the Supreme Court of Texas: JUDGE RAUL A. GONZALEZ, San Patricio County.

Member, Industrial Accident Board: MARGARET M. MAISEL, Bexar County.

Member, Texas State Board of Public Accountancy: OSCAR C. MASCORRO, Bexar County.

Members, Nueces River Authority Board of Directors: SALVADOR ALMANZA, Atascosa County; CHARLES S. CARR, Zavala County.

Judge, 269th Judicial District, Harris County: HENRY E. ALLEE, Harris County.

Associate Justice of the 13th Court of Appeals: FORTUNATO (PETE) BENAVIDES, Hidalgo County.

Criminal District Attorney of Cass County: NEAL E. BIRMINGHAM, Cass County.

Judge, 351st Judicial District, Harris County: JAY W. BURNETT, Harris County.

Judge, 353rd Judicial District, Travis County: JOE B. DIBRELL, JR., Travis County.

Judge, 79th Judicial District, Brooks and Jim Wells Counties: ROMEO FLORES, Jim Wells County.

District Attorney, 355th Judicial District, Hood County: DAN B. GRISSOM, Hood County.

Judge, 260th Judicial District, Orange County: BUDDIE J. HAHN, Orange County.

Members, Motorcycle Operator Training and Safety Advisory Committee: FRED BARNEY, Tarrant County; GEORGIE BOND, Travis County; CARLOS D. GONZALEZ, Jim Wells County; JEAN HUDGINS, Galveston County; LORRIE LAING, Travis County; GENE WILKINS, Travis County; BOB WILLIAMS, Travis County.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 27

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 227 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that C.S.S.B. 227 be taken up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 227, Relating to licensing disposal sites of the Texas Low-Level Radioactive Waste Disposal Authority.

The motion was lost by the following vote: Yeas 14, Nays 15.

Yeas: Brooks, Edwards, Henderson, Howard, Kothmann, Krier, Leedom, Parker, Parmer, Santiesteban, Sims, Traeger, Whitmire, Williams.

Nays: Barrientos, Blake, Brown, Caperton, Farabee, Harris, Jones, Lyon, McFarland, Mauzy, Montford, Sarpalius, Sharp, Truan, Uribe.

Absent-excused: Glasgow, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 106 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take for consideration at this time:

C.S.S.B. 106, Relating to local regulation of certain sexually oriented business activities and the punishment for violations.

There was objection.

Senator Henderson then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up C.S.S.B. 106 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent: Santiesteban.

Absent-excused: Glasgow, Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 106 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent: Santiesteban.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

SENATE BILL 213 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

S.B. 213, Relating to the date on which Memorial Day is celebrated.

There was objection.

Senator Williams then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 213** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Jones, Krier, Sims.

Absent-excused: Glasgow, Washington.

The bill was read second time and was passed to engrossment.

SENATE BILL 213 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Jones, Krier, Sims.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed.

SENATE BILL 59 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 59, Relating to the payment of fines, costs, and fees as a condition of parole.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Amend S.B. 59 as follows:

Sec. 1 (g) line 19 by striking "shall" and substituting "may" therefor.

The committee amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 59 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 13 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 13, Relating to the exemption from registration of the sale and issuance of nonprofit cooperative association securities.

The bill was read second time and was passed to engrossment.

SENATE BILL 13 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MEMORIAL RESOLUTIONS

- S.R. 90 By Montford: Memorial resolution for Andrew Jackson Kemp, Jr.
- S.R. 91 By Montford: Memorial resolution for Dr. Elton D. Cook.
- S.R. 92 By Montford: Memorial resolution for George R. Killam.
- S.R. 93 By Montford: Memorial resolution for Mrs. Juanelle Tubbs.

CONGRATULATORY RESOLUTIONS

- S.R. 89 By Montford: Honoring Earl Bradley.
- S.R. 94 By Parker: Commending Frank Collins.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:47 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 11, 1985.

EIGHTEENTH DAY

(Monday, February 11, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sarpalius.

A quorum was announced present.

Senator Chet Brooks offered the invocation as follows:

Almighty God, we come to Thee today for another day of deliberation in the Senate. Please be with us and be in our hearts. Help us to be strong advocates for what we believe is right, but let us also remember the rights of others. Help us to do Thy will in all things. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 7, 1985, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of important business on motion of Senator Glasgow.